

REMARKS

Claims 1, 4, 7, 10, 13, 19 and 20 are pending in this application, with the independent claims being claims 1 and 7. Claim 14 has been cancelled without prejudice and new claim 21 has been added. No new matter has been added.

The Examiner has rejected claims 1, 4, 7, 10, 13, 19 and 20 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over reappplied U.S. patent no. 6,391,448 issued to Geiser (“Geiser”). For the reasons set forth below the Applicants traverse these rejections and respectfully request reconsideration.

Rejections Under 35 U.S.C §§ 102(b) and 103(a)

Claim 1 is directed to a reusable sorbing coalescing agent

for facilitating the separation of a non-aqueous phase from an aqueous phase consisting of a ragged-edge particulate reusable material having substantially small uniform sized **particulate units**, wherein the particulate reusable material includes **particulate units of a size ranging from 1 μ m to 3 cm and which comprise a ragged edge component having a dimension in the nanoscale range**, and wherein said ragged edge component comprises outwardly extending filaments.

In order for a reference or references to anticipate this claim, the recited language and its combination in the recited composition must be taught by the cited prior art. The undersigned respectfully submits that the cited reference does not teach the emphasized language and cannot possibly teach or even suggest the recited combination.

Claim 1 is directed to a coalescing agent having a combination of features. Specifically, in addition to the size range of the particulate units, claim 1 also recites that the particulate units comprise a **ragged edge component**. The claimed **ragged edge component** is further characterized as comprising two features, namely “**outwardly extending filaments**” and a “**dimension in the nanoscale range**”.

Applicants submit that Geiser does not teach or suggest the **ragged edge component** having **outwardly extending filaments** and a **dimension in the nanoscale range**. For at least this reason independent claim is patentable over the cited art.

In addition, independent claim 7 is directed to a reusable sorbing coalescing agent

for facilitating the separation of a non-aqueous phase from an aqueous phase consisting of a ragged-edge particulate reusable material having substantially small uniform sized particulate units, wherein the particulate reusable material includes particulate units of a size ranging from 1 μm to 3 cm and which comprise a ragged edge component having a dimension in the nanoscale range, wherein said ragged edge component comprises outwardly extending filaments and wherein the dimension in the nanoscale range is selected from the group consisting of **ragged edge component thickness, ragged edge component filament size, and combinations thereof.**

Claim 7, in particular and in relation to the nanoscale range, refers to **ragged edge component thickness and ragged edge component filament size.**

The Examiner nevertheless has rejected claim 1 (as well as claim 7 and the other pending dependent claims) in the following terms:

“The Examiner maintains that the prior art reference teaches particles that have multiple diameters of the size within the claim particle sizes. The prior art particles have grooves of specified dimensions that impose edges and other shapes on particles.”

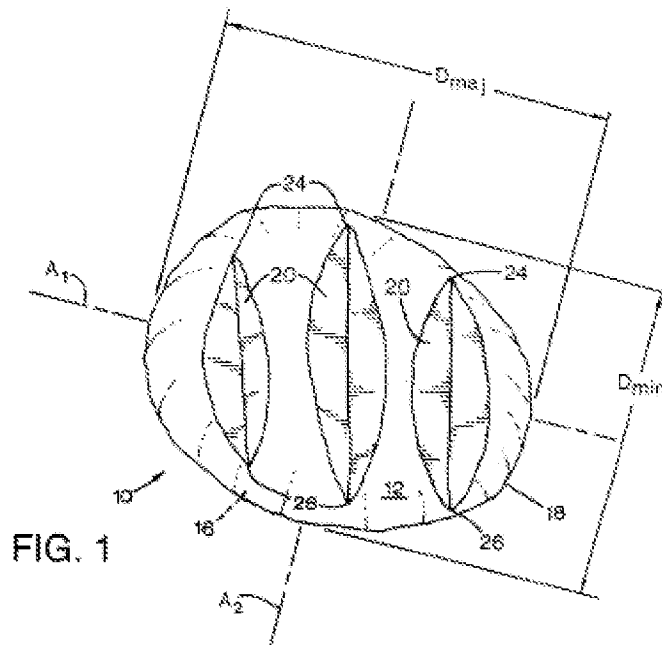
See Office Action dated October 31, 2008 at page 2. In the previous Office Action of March 26, 2008, the Examiner (at the foot of page 3) made particular reference to the following parts of the Geiser, namely the “Abstract, figures, Summary of Invention, column 2, bottom – column 3, lines 1-35 and claims.”

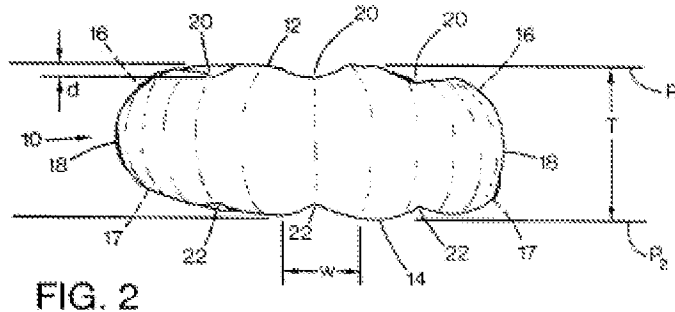
The Applicants submit that the Examiner has focused on a single feature to justify rejection of the claims, namely particle size. As mentioned above, claim 1 recites a coalescing agent which has a combination of features.

The Examiner has not specifically referred to any section of Geiser that teaches, suggests or providing any incentive, whatsoever, for a coalescing agent which has the combination of features as recited in claims 1 or 7.

In particular, the Applicants point out that Geiser does not teach (nor is there any suggestion or incentive of any kind, whatsoever, therein for) particles which have an “**edge component**” of the present invention, i.e. there is no showing (nor incentive), whatsoever, in this reference of “**a ragged edge component**” which comprises “**outwardly extending filaments**”.

On the contrary, Geiser illustrates only ‘neat’, ‘clean’ or ‘curved’ edges such as illustrated by the grooves (20, 22) and annular edge surface (18) of the particle of Geiser Figs. 1 and 2 below:





Therefore, the Applicants submit that the coalescing agent having the combination of features recited by independent claims 1 and 7 (as well as the claims dependent thereon) is neither taught nor suggested by the teachings of the cited reference. Accordingly, the Applicants submit that the subject matter of claims 1, 4, 7, 10, 13, 19, 20 and 21 is patentably distinct from the Geiser.

CONCLUSION

The undersigned respectfully submits that the pending claims as amended are allowable and the application is in condition for allowance. A Notice of Allowance is respectfully solicited.

Examiner Killiman is invited to call the undersigned in the event a telephone interview will advance prosecution of this application.

Date: March 25, 2009

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